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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/784,524	02/23/2004	Dov L. Randall	115667-002	1518

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EXAMINER

SAGER, MARK ALAN

ART UNIT PAPER NUMBER

3712

DATE MAILED: 09/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Supplemental
Office Action Summary**

Application No.

10/784,524

Applicant(s)

RANDALL, DOV L.

Examiner

M. A. Sager

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 April 2005 & 02 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☒ Interview Summary (PTO-413)
Paper No(s)/Mail Date 09/19/2006
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

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Supplemental Office Action

1. This action corrects inadvertent use of PTO 325AE in prior action as noted during telephone discussion with R. Smith (45117) on 9/19/06. The prior action is reiterated below.

Information Disclosure Statement

2. The information disclosure statement filed May 2, 2005 fails to comply with 37 CFR 1.98(a)(3) because it does not include a concise explanation of the relevance, as it is presently understood by the individual designated in 37 CFR 1.56(c) most knowledgeable about the content of the information, of each patent listed that is not in the English language. It has been placed in the application file, but the information referred to therein has not been considered. Reference 411216221 was not provided; however, reference JP 11-216221 was provided but lacks either statement of relevance or translation.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-5, 7-8 and 10-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Golden Palace Online Casino. As best understood, claimed invention invokes 112(6th paragraph) as having met the conditions of the three-prong test, thus, claims are being treated herein under 112(6th paragraph). A POSTA reading the reference for Golden Palace Online Casino would interpret the reference as disclosing a website (goldenpalace.com) that user may connect over a network such as internet by using a video display apparatus such as a PC or internet enabled

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device to play by choosing from a menu using an input device such as keyboard or mouse (conventional) from a selection of a plurality of video simulations of various gambling games (see Screen Shots) such as roulette, blackjack, poker, slots, craps, keno or baccarat that may further include a selection of differing forms (sub-menu) of the type of game (i.e. slots has many different game forms for this type of game) selected by a user using a pointing device such as keyboard or mouse and clicking selection. The user may play for free with simulated funds that have no commercial value other than to practice play or the user may play for cash by opening or establishing an account with the casino to access/charge user's account (i.e. credit card, savings or checking account, etc) so as to fund game play with established/charged credit where user may cash out and refund balance to same account used to open the pay to play gaming session, as conventional for online transactions involving wagering. Once a funding arrangement has been established to play for cash (or even if user plays for free) and user has agreed to download free software from the Golden Palace Online Casino website, hereafter the Casino website, (see How It Works, Details About Playing for Real Money, Installation Instructions), the user's game apparatus (PC or internet enabled device) enables the user to select any of the games by using an input device, whereby the downloaded software essentially acts in place of a web browser to access the Casino website and permit play and enables producing selected video simulation of player-operable entertainment machine. Thus, Golden Palace Online Casino teaches a video display apparatus as a PC comprising a means for enabling a player to select one of a plurality of video simulations based on different entertainment machines such as a user selecting game to play using an input device after having opened an account and installed software, means to produce selected video simulation of entertainment machine being the installed software and

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processor of PC to display selected entertainment machine (see Screen Shots, upper front panel with display of game type such as coin type like slot or poker, etc where user may select cards to hold or discard by clicking appropriately thereon) and means for enabling player to cause a game to be played with selected video simulation as providing input to displayed image of entertainment game selected to wager, deal cards, spin reels as necessary for game play depending on game state (see Screen Shots showing bet one, bet max, spin, deal, etc as input buttons on second lower front panel), that includes displaying a main display device which includes a plurality of symbol-bearing side-by-side reels that are each rotatable behind a window in the front panel (see Screen Shots of slot games forms), wherein each reel has a predetermined plurality of symbols which are displayed in sequence during rotation (inherent).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

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7. Claims 9 and 15-16 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Golden Palace Online Casino. Golden Palace Online Casino teaches a video display apparatus comprising all feature of cited claims (supra) including wherein when each reel stops rotating, at least one selected symbol is displayed on at least one win line, wherein the displayed symbol is selected from a plurality of symbols which is greater than said predetermined plurality, as conventional (see either Fantastic Sevens, Jackpot Express, Cosmic Cat, Reels Royce, Winning Wizards, Fruit Single Line, Big 5 Single Line, Seven Oceans, Double Magic, Jurassic Jackpot, or Pirates Paradise). Alternatively, although Online Casino teaches when reel stops rotating at least one selected symbol is displayed on at least one win line (inherent basis of win determination of slot games), it is not clear as to whether any of the slot games of Online Casino include wherein the displayed symbol is selected from a plurality of symbols which is greater than said predetermined plurality such as by a virtual reel or a reel map memory. However, a reel map memory or a virtual reel in a slot machine has been conventional since 1980's in order to provide higher payoffs without increasing physical size of [mechanical] reel machine and permits game designer to readily alter payoff probability as evidence by either Telnaes or Pajak. The higher payoff attracts users to play and thus increases revenues for the casino/gaming hall. Therefore, it would have been obvious to an artisan at a time prior to the invention to add wherein when each reel stops rotating, at least one selected symbol is displayed on at least one win line, wherein the displayed symbol is selected from a plurality of symbols which is greater than said predetermined plurality as taught by either Telnaes or Pajak to Golden Palace Online Casino to increase payoffs without

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increasing physical size of reel machine which attracts users to play thereby increasing revenue from increase in play or to permit game designer to readily alter payoff probability.

8. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Golden Palace Online Casino in view of Melen et al (GB 2191030). Golden Palace Online Casino teaches a video display apparatus comprising all features of cited claims (supra) except a trail-based feature game. A trail-based feature game is a notoriously well-known coin-operated amusement with prizes (AWP) machine that includes a trail display that tracks a bonus award feature. Melen discloses a gaming and amusement machine teaching a trail based feature game (abstract, fig. 1) so as to provide randomness along a trail to an award that prolongs interest for user to play thereby increasing game revenue through increase in play duration. Thus, it would have been obvious to an artisan at a time prior to the invention to add a trail-based feature game as notoriously well known or as taught by Melen to Golden Palace Online Casino so as to provide randomness along a trail to a bonus award that prolongs interest for user to play thereby increasing game revenue through increase in play duration.

9. Claims 13 and 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Golden Palace Online Casino in view of Tracy (GB 2211338). Golden Palace Online Casino teaches a video display apparatus comprising all features of cited claims (supra) except a compensator operable to monitor the provided awards, determine a percentage of inputted game play credits which are provided as awards to the player and influence the outcome of said played games to maintain the percentage within a predetermined range. Maintaining a payout percentage by a compensator based on prior game play is notoriously well known. Tracy discloses a gaming machine teaching a compensator operable to monitor the provided awards,

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determine a percentage of inputted game play credits which are provided as awards to the player and influence the outcome of said played games to maintain the percentage within a predetermined range (abstract, 1:1-2:22, figs. 1-5) so as to maintain overall rate of return within tolerable limit around target return of machine. Therefore, it would have been obvious to an artisan at a time prior to the invention to add a compensator operable to monitor the provided awards, determine a percentage of inputted game play credits which are provided as awards to the player and influence the outcome of said played games to maintain the percentage within a predetermined range as notoriously well known as taught by Tracy to Golden Palace Online Casino so as to maintain overall rate of return within tolerable limit around target return of machine.

10. Claims 14 and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Golden Palace Online Casino in view of Walker (6238288). Golden Palace Online Casino teaches a video display apparatus comprising all features of cited claims (*supra*) except a monitoring device (clm 14, 19-20) operable to monitor at least one parameter of player operation of at least one of said games played (clm 14) or to assess and evaluate the usage of the machine (clm 19-20). Monitoring play parameters by a monitoring device as claimed is notoriously well known such as player tracking for providing comps or compensation to those players that meet predefined play requirements or to determine whether the game machine should be replaced due to the game being infrequently played. Walker discloses a gaming apparatus and method teaching a monitoring device operable to monitor at least one parameter of player operation of at least one of said games played or to assess and evaluate the usage of the machine (abstract, 2:35-53, figs. 1-10C, esp. 6-7) in order to attract player to a gaming device. Thus, it would have been

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obvious to an artisan at a time prior to the invention to add a monitoring device operable to monitor at least one parameter of player operation of at least one of said games played or to assess and evaluate the usage of the machine as notoriously well known or as taught by Walker to Golden Palace Online Casino in order to attract player to a gaming device or to determine whether to replace an infrequently played game.

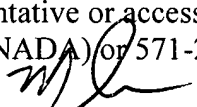
Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Takemoto discloses screen display of slot machine captured using a camera of reel machine; while, Karmarkar discloses virtual gaming.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. A. Sager whose telephone number is 571-272-4454. The examiner can normally be reached on T-F, 0700-1730 hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hotaling can be reached on 571-272-4437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


M.A. Sager
Primary Examiner
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